

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

HARVEY HORWITZ, Derivatively on Behalf of QUORUM HEALTH CORPORATION,	)	Case. No. 3:18-cv-00875
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
THOMAS D. MILLER, MICHAEL J. CULOTTA, BARBARA R. PAUL, R. LAWRENCE VAN HORN, WILLIAM S. HUSSEY, JAMES T. BREEDLOVE, WILLIAM M. GRACEY, JOSEPH A. HASTINGS, and ADAM FEINSTEIN,	)	Chief Judge Crenshaw Magistrate Judge Newbern
	)	
Defendants,	)	
	)	
-and-	)	
	)	
QUORUM HEALTH CORPORATION, a Delaware corporation,	)	
	)	
Nominal Defendant.	)	

**JOINT STIPULATION VOLUNTARILY  
DISMISSING ACTION WITHOUT PREJUDICE**

Pursuant to Rules 23.1(c) and 41(a) of the Federal Rules of Civil Procedure, plaintiff Harvey Horwitz ("Plaintiff"), defendants Thomas D. Miller, Michael J. Culotta, Barbara R. Paul, R. Lawrence Van Horn, William S. Hussey, James T. Breedlove, William M. Gracey, Joseph A. Hastings, Adam Feinstein (the "Individual Defendants"), and nominal defendant Quorum Health Corporation ("Quorum Health" or the "Company") (together with the Individual Defendants, "Defendants"), by and through their respective counsel, respectfully request the Court enter an Order granting Plaintiff's request to voluntarily dismiss the above-captioned action without prejudice. In support thereof, the parties state as follows:

WHEREAS, on September 17, 2018, Plaintiff filed a Verified Stockholder Derivative Complaint for Violations of Securities Law, Breach of Fiduciary Duty, Waste of Corporate Assets, and Unjust Enrichment on behalf of Quorum Health and against certain of the Company's officers and directors (the "Action") (ECF No. 1);

WHEREAS, on April 7, 2020, Quorum Health filed a Voluntary Petition under Chapter 11 of the U.S. Bankruptcy Code (the "Bankruptcy Proceedings") in the U.S. Bankruptcy Court for the District of Delaware (the "Bankruptcy Court");

WHEREAS, pursuant to the terms of the Debtors' Joint Prepackaged Chapter 11 Plan of Reorganization, which was approved by the Bankruptcy Court and subsequently became effective on June 30, 2020, Quorum Health's publicly traded shares were cancelled, and former Quorum Health stockholders' equity interests in the Company ceased to exist;

WHEREAS, the parties respectfully submit that notice of said dismissal is unnecessary to protect the interests of Quorum Health and its stockholders for the following reasons: (i) former Quorum Health stockholders' equity interests in the Company ceased pursuant to the Debtors' Joint Prepackaged Chapter 11 Plan of Reorganization; (ii) Plaintiff seeks dismissal without prejudice; and (iii) neither Plaintiff nor Plaintiff's counsel have received nor will receive any consideration from Defendants for the dismissal.

### **RELIEF REQUESTED**

NOW THEREFORE, the parties STIPULATE and AGREE and request that the Court enter an Order approving the voluntarily dismissal of this Action pursuant to Rules 23.1(c) and 41(a) of the Federal Rules of Civil Procedure, as follows:

1. The above-captioned action is dismissed without prejudice.
2. For the reasons stated above, notice of said dismissal is not required.

3. Each party shall bear their own costs and fees.

**IT IS SO STIPULATED.**

Dated: August 11, 2020

Respectfully submitted,

ROBBINS LLP  
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CRAIG W. SMITH  
ASHLEY R. RIFKIN  
STEVEN R. WEDEKING

/s/ Ashley R. Rifkin  
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*Attorneys for Plaintiff*

Dated: August 11, 2020

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*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 11, 2020, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of the Court will transmit a Notice of Electronic Filing to the following ECF registrants:

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